IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

WP(C).No. 13616 of 2006(U)

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PETITIONER:

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C.T.BABU,
S/O.THARU, AGED 54 YEARS,
BASHA VISTA, KOTTAYIL ROAD,
KUNNAMKULAM, TRICHUR DISTRICT.

BY ADV. SRI.K.P.DANDAPANI (SR.)

RESPONDENTS:

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1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
DEPARTMENT OF GENERAL EDUCATION,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.

2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
JAGATHY, TRIVANDRUM-695 014.

3. THE DEPUTY DIRECTOR OF EDUCATION,
AYYANTHOLE, TRICHUR-680014.

4. THE DISTRICT EDUCATIONAL OFFICER,
CHAVAKKAD,
TRICHUR DISTRICT.

BY GOVT.PLEADER SRI.A.JL.VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**A.K. Basheer, J.**

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**W.P(C) No. 13616 of 2006**

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**Dated this the 18th day of June, 2007.**

**J U D G M E N T**

The former Manager of T.M. Vocational Higher Secondary School has preferred this writ petition challenging the order of his disqualification to hold the post of Manager of the school under Rule 7 of Chapter III KER.

2. A brief reference to the essential facts leading to the impugned order is necessary to consider the question whether the petitioner is entitled to get any relief in this writ petition.

3. It is not in dispute that petitioner had held the post of Manager in the school from October 1, 2001 to November 18, 2003. Smt. P.G.Thankam who was a Clerk in the school was placed under suspension by the erstwhile Manager with effect from November 8, 1989, on the ground that she had committed certain irregularities. The issue ultimately reached before the Government and by Ext.P9 order dated March 2, 2001 the Government directed the Manager to reinstate Smt. Thankam in service and to treat the period of her suspension as duty. The then Manager did not comply with the order and therefore the Government was constrained to pay salary to Smt.Thankam directly.

4. Thereafter the Deputy Director of Education issued Ext.P10 order dated March 7, 2003 disqualifying the petitioner from holding the post of Manager under Rule 7 of Chapter III KER. Though the said order was challenged by the petitioner before the

statutory authorities, it was confirmed. Ext.P11 is the order of the appellate authority and Ext.P14 is the order passed by the Government in revision.

5. The petitioner had challenged Exts.P10, P11 and P14 orders in WP.8373/2005. This Court had considered the entire gamut of the issue and dismissed the writ petition holding that the action of the Department was perfectly legal and valid. A copy of the said judgment is on record as Ext.P17. Though the petitioner had challenged the above judgment before a Division Bench of this Court, he did not get any substantial relief, though the Division Bench directed the Government to dispose of the review petition preferred by him. Accordingly the Government had considered the review petition and dismissed it. A copy of the said order is on record as Ext.P19.

6. The primary prayer in this writ petition is to quash Exts.P10, P11, P14 and P19 orders. The other prayer is to consider Ext.P16 review petition which was in fact considered by the Government as directed by the Division Bench in Ext.P18 judgment.

7. It is significant to note that petitioner's challenge to Exts.P10, P11 and P14 orders was repelled by this Court in Ext.P17 judgment. The Division Bench had also confirmed the said judgment, though the Government was directed to consider the review petition preferred by the petitioner. But the petitioner has again chosen to challenge the very same orders in this writ petition also.

8. Undoubtedly this writ petition is an abuse of judicial process. All the contentions raised by the petitioner were considered by the

statutory authorities meticulously. More importantly, this Court had considered the entire issue in Ext.P17 judgment elaborately. The Division Bench had refused to interfere with Ext.P17 judgment. Though the Government was directed to consider the review petition to the limited extent as to whether petitioner had been unduly dragged into the act of disobedience committed by his predecessor, the Government had yet again re-examined the matter and passed Ext.P19 order. But still the petitioner has filed this writ petition with the very same prayers.

9. On a careful examination of the materials on record, this Court in Ext.P17 judgment had found that at the time when Exts.P10 and P11 orders were issued by the Department, the petitioner was holding the post of Manager in the school. But he had refused to obey the directions issued to him. It was in the above circumstances that this Court had affirmed the orders passed by the statutory authorities under the Act disqualifying the petitioner from holding the post of Manager.

10. There is no merit in any of the contentions raised by the petitioner and therefore the writ petition is dismissed in limine. Though this is a fit case to impose exemplary cost, I refrain from doing so.

**A.K. Basheer**
**Judge.**

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